

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25026-25075

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 16, 1936]

25026. Misbranding of Old Homestead stock powder. U. S. v. Leo Vincent Hyde (Hyde Chemical Co.). Plea of nolo contendere. Fine, \$50 and costs. (F. & D. no. 30250. Sample no. 2678-A.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On December 18, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leo Vincent Hyde, trading as the Hyde Chemical Co., Shenandoah, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 15, 1932, from the State of Iowa into the State of Wisconsin of a quantity of Old Homestead stock powder which was misbranded.

Analysis showed that the article consisted essentially of sodium sulphate, charcoal, sulphur, small proportions of sodium phosphate, sodium thiosulphate, calcium carbonate, and magnesium carbonate.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the sack label and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a worm expeller; effective to aid in the prevention of disease; effective as a treatment, remedy, and cure for gas and fever in the stomach, and to assist the secretive cells of the stomach into more activity, to produce more digestive fluid for the stomach, and to keep the stomach sweet, strong, and healthy; effective to help every digestive organ to perform its proper duties; and effective to ward off the danger of bloat.

On October 1, 1935, the defendant entered a plea of nolo contendere and the court imposed a fine of \$50 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

25027. Adulteration and misbranding of boric acid ointment and blue ointment. U. S. v. William D. Koster and Albert Springer (Petroline Laboratories). Pleas of guilty. Fines of \$50 imposed on each count against each defendant; fines on all counts but first suspended as to both defendants. (F. & D. no. 32123. Sample nos. 42958-A, 42959-A.)

This case was based on interstate shipment of ointments which were represented to be of pharmacopoeial standard, but which differed from the standard laid down in the United States Pharmacopoeia. The labeling of the boric acid ointment was further objectionable since the article was not an antiseptic as claimed.

On May 28, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William D. Koster and Albert Springer, copartners, trading as the Petroline Laboratories, located at the time of shipment hereinafter mentioned at Brooklyn, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act on or about July 7, 1933, from the State of New York into the State of Pennsylvania of quantities of boric acid ointment and blue ointment which were adulterated and misbranded.

The articles were alleged to be adulterated in that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia in the following respects: The boric acid ointment contained less than 100 grams, namely, not more than 88.3 grams of boric acid per 1,000 grams of the ointment; whereas the pharmacopoeia provides that ointment of boric acid shall contain 100 grams of boric acid per 1,000 grams of ointment; the blue ointment contained not more than 24.4 percent of mercury, whereas the pharmacopoeia provides that blue ointment shall contain not less than 29 percent of mercury, and the standard of strength, quality, and purity of the articles was not declared on the containers thereof. Adulteration was alleged for the further reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold in that they were represented to be products which conformed to the standard laid down in the United States Pharmacopoeia, whereas they did not conform to such standard.

Misbranding was alleged for the reason that the statements, (boric acid ointment) "We guarantee each ointment to be strictly U. S. P.", "Boric Acid Ointment U. S. P.", and "An antiseptic ointment", (blue ointment) "Blue Ointment, U. S. P.", appearing in the labeling, were false and misleading, since the articles did not conform to the standard laid down in the United States Pharmacopoeia, and the boric acid ointment was not an antiseptic ointment. The information also charged a violation of the Insecticide Act of 1910, reported in notice of judgment no 1426, published under that act.

On July 12, 1935, defendant William D. Koster entered a plea of guilty to all charges. On July 15, 1935, defendant Albert Springer also pleaded guilty to all charges. Each defendant was sentenced to pay a fine of \$50 on each count of the information. Fines on all counts but the first were suspended as to both defendants.

W. R. GREGG, *Acting Secretary of Agriculture.*

25028. Adulteration and misbranding of iron cacodylate and iron and arsenic. U. S. v. Intravenous Products Co. of America, Inc. Plea of guilty. Fine, \$400. (F. & D. no. 32134. Sample nos. 10209-A, 10210-A, 10215-A.)

This case involved a shipment of iron cacodylate and iron and arsenic, which differed from the standard of strength declared on the label.

On July 10, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Intravenous Products Co. of America, Inc., New York, N. Y., on or about September 2, 1932, from the State of New York into the State of New Jersey of quantities of iron cacodylate ampoules and iron and arsenic ampoules which were adulterated and misbranded.

The information charged that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each ampoule of iron cacodylate was represented to contain 0.06 gram (1 grain) of iron cacodylate per cubic centimeter of the article, whereas each of said ampoules contained less than 0.06 gram (1 grain), namely, not more than 0.0262 gram, i. e., 0.4043 grain (two-fifths grain) of iron cacodylate per cubic centimeter of the article; one lot of the iron and arsenic was represented to contain in each ampoule 0.065 gram (1 grain) of ferric dimethylarsenate and 0.2 gram (3 grains) of sodium dimethylarsenate per 5 milliliters, i. e., 5 cubic centimeters, whereas each of said ampoules contained more ferric dimethylarsenate and less sodium dimethylarsenate than represented, namely, not less than 0.124 gram (1.91 grains) of ferric dimethylarsenate and not more than 0.0747 gram (1.15) grains of sodium dimethylarsenate per 5 milliliters, i. e., 5 cubic centimeters of the article; and in the remaining lot of iron and arsenic each ampoule was represented to contain 0.125 gram (2 grains) of ferric dimethylarsenate and 0.4 gram (6 grains) of sodium dimethylarsenate per 10 milliliters, i. e., 10 cubic centimeters of the article, whereas each of said ampoules contained more ferric dimethylarsenate and less sodium dimethylarsenate, than represented, namely, not less than 0.2152 gram (3.32 grains) of ferric dimethylarsenate; and not more than 0.2166 gram (3.34 grains) of sodium dimethylarsenate per 10 milliliters, i. e., 10 cubic centimeters of the article.

Misbranding was alleged for the reason that the following statements borne on the labels, were false and misleading: (Iron cacodylate, box) "1 c. c. ampoules * * * Iron Cacodylate (1 grain)", (ampoule) "1 c. c. Iron Cacodylate 0.06 Gm. (1 gr.)"; (iron and arsenic, box in one lot) "Each 5 c. c. Am-